DOCUMENT RESUME

ED 137 003 40 RC 009 781

TITLE	LEA (Local Education Agencies) Plan Development. P.L. 94-142 Workshop (Tempe, Arizona, January 27-28, 1977).
INSTITUTION	Southwest Regional Resource Center, Salt Lake City, Utah.
SPONS AGENCY	Bureau of Education for the Handicapped (DHEW/OE), Washington, D.C.
PUB DATE	27 Jan 77
NOTE	44p.; For related document, see RC 009 780 ; Some parts may be marginally legible due to print quality of original document
EDRS PRICE	MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS	*Agency Role; American Indians; Classification; Community Involvement; *Criteria; Definitions; Facilities; *Federal Legislation; *Financial Support; Planning; Records (Forms); Reports; *Special Education; *Specifications
IDENTIFIERS	*Education for All Handicapped Children Act; Local Education Agencies; State Education Agencies

ABSTRACT

Forms developed by the Southwest Regional Resource Center (for the Bureau of Indian Affairs) to supply information requested in the proposed regulations of Public Law 94-142 (special education services to be implemented in 1978) are presented in this publication for purposes of discussion and explanation. An accompanying narrative presents necessary regulation definitions and categories as follows: (1) the Act's intent (rights, protection, and funds to implement special education services); (2) flow through funding and its application to Local Education Agencies (LEAs) and State Education Agencies (SEAs) (in the first year of the Act, 50% of the total state allocation is to flow through to the LEAs, but each LEA must make application to the SEA to determine the number of children to be served); (3) LEA requirements classified in terms of action, activity, assurance, information, activity information, activity assurance, etc.; (4) general areas of the requirements identified as: student evaluation; planning conference; parent participation; individualized education program; due process/hearing; and surrogate parents. The forms themselves specify the number of children needing, receiving, or not receiving special education services in residential and non-residential programs, the estimated percent receiving full services, the educational staff employed and needed, kinds and numbers of facilities, documentation of planning, etc. (JC)

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ED137003

LEA PLAN DEVELOPMENT
P. L. 94-142
WORKSHOP

DIVISION OF CONTINUING EDUCATION
BUREAU OF INDIAN AFFAIRS
INDIAN EDUCATION RESOURCE CENTER
ALBUQUERQUE, NEW MEXICO 87103

TEMPE, ARIZONA
JANUARY 27-28, 1977
GRANADA ROYALE

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RC009781

N O T E

It is important to note that the Southwest Regional Resource Center (SRRC) attempted to design forms that could supply the information requested in the proposed regulations of Public Law 94-142 (Federal Register, December 30, 1976). The intent of these forms and the narrative is for discussion and explanation of the proposed regulations. All agencies directly funded by the U.S. Government (in this case the SRRC) must have all forms cleared through the Office of Management and Budget (OMB). The SRRC does not intend to secure OMB's clearance or to suggest that the SEA/LEAs utilize these forms or information for other than discussion/explanation of proposed regulation requirements.

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U. S. Department
of Health, Education and Welfare
Office of Education
Bureau of Education for the Handicapped

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LEA REQUIREMENTS

PUBLIC LAW 94-142 - THE ACT

PROPOSED REGULATION
SUMMARY

NOTE: It is important to note that the Southwest Regional Resource Center (SRRC) attempted to design forms that could supply the information requested in the proposed regulations of Public Law 94-142 (Federal Register, December 30, 1976). The intent of these forms and the narrative is for discussion and explanation of the proposed regulations. All agencies directly funded by the U.S. Government (in this case the SRRC) must have all forms cleared through the Office of Management and Budget (OMB). The SRRC does not intend to secure OMB's clearance or to suggest that the SEA/LEAs utilize these forms or information for other than discussion/explanation of proposed regulation requirements.

Preface:

Congress established through Public Law 94-142 a nation-wide policy of full services for the handicapped. The Act contains three sections that reflect the intent of Congress for "The Education of All Handicapped." They are (1) rights, (2) protections, and (3) funds to implement special education services.

The States are required to develop a "State Plan." In order for the State Education Agency/Department (SEA) to complete a State Plan it is necessary that they first receive the information from the Local Education Agencies/Districts (LEA) and as applicable the Intermediate or Consolidated district. In the case of an Intermediate, they can supply the SEA with all information from the local school districts involved.

Congress established a procedure for each LEA, that qualifies, to receive 'flow-through' funding for special education programs. During the first year of the Act (FY 1978) fifty percent (50%) of the total state allocation is to flow through to LEAs. The second year and for every year thereafter seventy-five percent (75%) of the allocation is to flow through the SEA to the LEAs. The flow through of funds will not automatically occur as each LEA must submit an application to the SEA that will establish the number of children to be served and supporting documentation that is required in the Act.

The requirements of an LEA application and the components of the assurances will be discussed in the following paragraphs. It must be stated that the information that follows is from the proposed regulations which is subject to change until the regulations are printed in their final form. For convenience, the LEA requirements to qualify for Title VI-B funds are listed in a check list format. The code following the requirements will refer the reader to a specific form in the appendices that will graphically explain the information requested.

LEA REQUIREMENTS

Each of the requirements listed below is categorized into:

Action: LEA will have to compile information for the SEA in the LEA's application;

Activity: LEA will have to provide this activity internally and on-going to comply with the Act and subsequent regulations;

Assurance: LEA states that this will be a policy of the LEA and it will comply with the policy, and

Information: LEA is to be aware of the information provided in the proposed regulation.

Code	Statement from Proposed Regulations
	GENERAL
Information	Each LEA must provide satisfactory assurances that payments under this part will be used for excess costs directly attributable to programs which are for special education (see Attachment 1 for definitions), or related services (see Form 10).
Action	Each LEA will provide that all children residing within the jurisdiction of the LEA who are handicapped, regardless of the severity of their handicap (see Attachment 1), and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education services. (Form 2)
Action	Each LEA will establish a goal of providing full education opportunities to all handicapped children and establish a timetable for accomplishing the goal. (Form 4)

Action	Each local application must provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal of full services. (Forms 5 and 7.)
Action	Each LEA will provide procedures for the implementation and use of the comprehensive system of personnel development established by the SEA. (Form 6.)

ASSURANCES

Assurance	Each LEA will have policies and procedures to protect the confidentiality of any personally identifiable information. (P.L. 93-380)
Assurance	Each LEA will set forth priorities for providing a free, appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.
Assurance	Each LEA will provide satisfactory assurance that in meeting the full services goal, provisions will be made for participation of and consultation with parents of handicapped children.
Assurance	Each LEA will provide satisfactory assurance that control of funds from Title VI-B and title of property derived from such funds, shall be in a public agency for the uses and purposes of this law, and that a public agency will administer such funds and property.
Assurance	Each LEA will provide satisfactory assurance that Federal funds expended by an LEA for programs under this law will be used to pay only the excess costs directly attributable to the education of handicapped children, will be used to supplement, and, to the extent practicable, increase the level of state and local funds expended for the education of handicapped children, and in no case to supplant such state and local funds.
Assurance	Each LEA will provide satisfactory assurance that state and local funds will be used in the jurisdiction of the LEA to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction which are not receiving funds under this law.

Assurance Activity	Each LEA will provide for furnishing information (which, in case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the SEA to perform its duties under this law, including information relating to the educational achievement of handicapped children participation in programs carried out.
Information	Each LEA will provide for keeping such records, and for affording access to such records, as the SEA may find necessary to assure the correctness and verification of the information furnished.
Assurance Information	Each LEA will (1) provide for making the application and all pertinent documents related to such application available to parents, and other members of the general public, and (2) provide that all evaluations and reports requested by the SEA will be public information.
Assurance	Each LEA will provide satisfactory assurance that policies and programs established and administered by the LEA shall be consistent with the provisions of the P.L. 94-142 and its regulations.
Assurance Activity	Each LEA application will include a statement describing the specific purposes for which the funds under Part B, of the Act will be expended during the fiscal year for which the application is submitted.
Information	An SEA may require LEAs to submit a consolidated application for payment if the SEA determines that any individual application submitted by any such LEA will be disapproved because (1) the LEA's entitlement is less than the $7,500 minimum required by the Act or (2) the LEA would be unable to establish or maintain programs of sufficient size and scope to effectively meet the educational needs of handicapped children.

STUDENT EVALUATION

Activity Assurance	Each LEA will assure that a formal evaluation will be conducted before any action is taken with respect to (1) the initial placement or denial of placement of a handicapped child into a special education program, or (2) the transfer or denial of transfer to a child from a special education program to full-time regular class placement.

Information	Except as required by the re-evaluation component the LEA will not make any changes in a child's special education placement (such as changing from a self contained special class to a resource room) unless it is based on the child's current individualized education program (IEP section follows), any other information relating to the child's current educational performance, and existing formal evaluation data on the child which is not more than two years old.
Activity Information	Each LEA will assure that tests and similar evaluation materials are provided and administered in the child's native language or mode of communication, unless it is clearly documented not feasible to do so.
Information	Each LEA will assure that tests and similar evaluation materials have been properly and professionally validated for the specific purpose for which the recipient proposes to use them.
Information	Each LEA will assure that tests and similar evaluation materials are recommended by their producer for the specific purpose for which the SEA or LEA proposes to use them, and that they are administered in conformance with the instructions provided by their producer and are administered by personnel who meet appropriate certification or licensure requirements under state law.
Information	Each LEA will assure that tests and similar evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
Information	Each LEA will assure that test selection and administration is such that, when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factor the test purports to measure rather than reflecting the child's impaired sensory, manual, or speaking skills (except where such skills are factors which the test purports to measure).
Information	Each LEA will assure that no one test or type of test or means of evaluation is used as the sole criterion for placement.
Information	Each LEA will assure that information from sources other than ability or achievement tests, including information concerning physical condition, social-cultural background, and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented.

Information	The LEA will assure that the interpretation of the evaluation data and the subsequent determination of the child's education placement are made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide appropriate educational and related services.
Information	Each LEA will assure that if the information derived either from ability and achievement tests or from other sources results in a showing that the child does not, because of handicap, need instruction in a special setting, the child will not be placed outside the regular instructional setting. (Least Restrictive Environment.)
Information Activity	Each LEA will provide procedures to assure that each handicapped child's formal evaluation is conducted every three years, or more frequently whenever conditions warrant, including at the request of the child's teachers or parents.

PLANNING CONFERENCE

Information Activity	Each LEA shall establish procedures which will assure that it develops, or revises, whichever is appropriate, an individualized education program for every handicapped child at the beginning of the school year, and will then review, and if appropriate, revise its provisions periodically but not less than annually.
Activity Information	Each LEA will be responsible for initiating and conducting the individualized planning conferences.
Activity Information	Each LEA will assure that for handicapped children currently receiving special education and related services, the individualized planning conference must be conducted as soon as possible after the beginning of each school year, but not later than the first thirty days of attendance by the child.
Information	The LEA will assure that for all other handicapped children, the individualized planning conference must be conducted within thirty days of the formal determination of the child's eligibility for special education and related services.
Activity Information	Each LEA will assure that the participants at the individualized planning conference must include a representative of the agency, the child's teacher or teachers, one or both parents and, where appropriate, the child. This is a minimum of participants, others may be included as deemed necessary.

PARENT PARTICIPATION

Activity Information — Each LEA shall take steps to assure that the parents of the handicapped child are present at the individualized planning conferences or are afforded the opportunity to participate, including scheduling the meeting at a mutually agreed upon time and place.

Activity Information — Each LEA will assure that in cases where it is not possible or practical for the parent to attend, other alternatives to assure parental participation must be attempted, including individual or conference telephone calls.

Information — Each LEA may have a planning conference without the parent being in attendance only if: (1) the parent furnishes a written waiver of his or her right to participate, in accordance with due process procedures, or (2) there is sufficient documentation of attempts to arrange a mutually agreed upon time and place, such as (i) detailed records of telephone calls made or attempted and the results of such calls, (ii) copies of correspondence sent to the parents and any responses received, and (iii) detailed records of visits made to the parent's home or place of employment and the results of such visits.

Information Activity — Each LEA will assure that if a parent has a communication barrier, such as deafness or English not being the primary language, the LEA will provide an interpreter or take whatever action is necessary to assure that the parent understands the proceedings.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Activity Information — Each LEA will assure that the IEP contains:

(1) a statement of the child's present levels of educational performance;

(2) a statement of annual goals, which describe the expected behavior to be achieved through the implementation of the child's IEP;

(3) a statement of short-term instructional objectives;

(4) a statement of specific educational services to be provided to the child, including a description of:

a. all special education and related services, which are required to meet the unique needs of the child, (regardless of availability of funds or staff)

b. any special instructional media and materials to be provided, and

c. the type of physical education program in which the child will participate;

(5) a description of the extent to which the child will be able to participate in regular education programs;

(6) the projected date for initiation and anticipated duration of the services; and

(7) appropriate objective criteria, evaluation procedures, and schedules for determining at lease on an annual basis, whether the instructional objectives are being achieved.

DUE PROCESS/HEARINGS

Assurance Activity — Each LEA will assure that any parent or an LEA may initiate a hearing on any of the following matters: proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the free appropriate public education provided to that child.

Information — Each LEA will conduct a hearing by procedures that are established by statute, regulation or written policy of the SEA.

Information — Each LEA will assure that the hearing is not conducted by (1) an employee of the SEA or LEA who is involved in the education or care of the child, or (2) any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

Information — Each LEA will assure that any party to a hearing has the right to:

(1) be accompanied and advised by counsel and by individuals with respect to the problems of handicapped;

(2) present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3) obtain a written or electronic verbatim record of the hearing; and

(4) obtain written findings of fact and decisions.

Information — Each LEA will assure that any decision made in a hearing conducted, unless a party in the hearing appeals, is final.

Information — Each LEA will assure that each hearing and review is commenced and completed as quickly as possible, consistent with fair consideration of the issues involved, but not later than 45 days after receipt of a complaint, unless the parties agree to an extension. The hearing is to be conducted at a time and place which is reasonably convenient to the parents and child involved.

Information — Each LEA will assure that during the pendency of any administrative or judicial proceeding regarding a complaint, unless the State or LEA and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

SURROGATE PARENTS

Information — Each LEA shall insure that the rights of a child are protected when the parents of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual to act as a surrogate for the parents. This must include a method (1) for determining whether a child needs a surrogate parent, and (2) for assigning a surrogate parent to the child.

Information — Each LEA shall assure that a person selected as a surrogate has no interests that conflict with the interests of the child he or she represents but has knowledge and skills that assure adequate representation of the child.

Information — Each LEA shall assure that a person assigned as a surrogate is not an employee of the SEA or LEA which is involved in the education or care of the child. A person who otherwise qualifies to be a surrogate parent is not considered an employee of the LEA solely because he or she is paid by the LEA to serve as a surrogate.

Information — Each LEA shall assure that the surrogate may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and in the provision of a free appropriate public education to the child.

Southwest Regional Resource Center

ROUGH DRAFT

FOR INFORMATION ONLY

REPORT FROM

Agency_____

Area_____

Designated person in ☐ Area/ ☐ Agency to be responsible to coordinate, plan, and implement rules/regulations of P.L. 94-142 and the BIA Central Office and Area Regulations is:

Name_____

Title_____

Address_____

_____

_____

Phone: _____ _____

Commercial FTS

Certification

I hereby certify that, to the best of my knowledge, the information contained herein is correct and that the above stated person is authorized to be the designated coordinator of P.L. 94-142 for this Area/Agency.

_____ _____

Date Signature

_____

Name

_____

Title

Table 1

Estimated number of children who NEED Special Education and Related Services

Student Count

School Year 1977-78

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
All Handicapped				

Table 2

The estimated number of handicapped children who will RECEIVE special education and related services during school year 1977-78

School Year 1977-78

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
All Handicapped				

Form 2

Table 1

Estimated number of handicapped children who NEED special education and related services

Student Count

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Table 2

The number of handicapped children who are RECEIVING appropriate special education and related services

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Table 3

The number of handicapped children who NEED, but are NOT receiving appropriate special education and related services

Student Count

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Table 4

The number of children who are enrolled in a BIA residential program who are RECEIVING appropriate special education and related services

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Table 5

Number of children who are enrolled in a BIA residential program who are NOT RECEIVING appropriate special education and related services

Student Count

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Table 6

Estimated numbers of handicapped children who are EXPECTED to RECEIVE special education and related services the next school year (1979-80)

School Year 1979-80

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded				
Hard of Hearing				
Deaf				
Speech Impaired				
Visually Impaired				
Seriously Emotionally Disturbed				
Orthopedically Impaired				
Specific Learning Disability				
Other Health Impaired				
TOTAL				

Form 3

Computation of Child Count for the Bureau of Education for the Handicapped

1. Number of students enrolled in total school program as of last official "count" date.

   Number of students_____

   Date of count_____

2. The maximum number of handicapped students that may be lawfully reported to the Bureau of Education for the Handicapped (BEH) is computed as follows:

   Number of students times 12% equals maximum number of handicapped.

   _____X .12 = _____Handicapped

3. The maximum number of specific learning disabled students that may be lawfully reported to BEH is computed as follows:

   Number of handicapped (#2 above) X 1/6 = maximum number of learning disabled.

   _____X 1/6 = _____Learning Disabled

4. Totals of handicapped to be reported to BEH by categories

Categories	Sch. Yr. 19__	Estimated Sch. Yr. 19__
Mentally Retarded		
Hard of Hearing		
Deaf		
Speech Impaired		
Visually Impaired		
Seriously Emot. Dist.		
Orthopedically Hdcpd.		
Specific Learning Dis.		
Other Health Impaired		
TOTAL		

Form 4

Estimated percent of the total number of handicapped children expected to have full educational opportunities during the school year 1978-79

Time Line

School Year 1978-79

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded	%	%	%	%
Hard of Hearing	%	%	%	%
Deaf	%	%	%	%
Speech Impaired	%	%	%	%
Visually Impaired	%	%	%	%
Seriously Emotionally Disturbed	%	%	%	%
Orthopedically Impaired	%	%	%	%
Specific Learning Disability	%	%	%	%
Other Health Impaired	%	%	%	%

Estimated percent of the total number of handicapped children expected to have full educational opportunities during the school year 1979-80

School Year 1979-80

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded	%	%	%	%
Hard of Hearing	%	%	%	%
Deaf	%	%	%	%
Speech Impaired	%	%	%	%
Visually Impaired	%	%	%	%
Seriously Emotionally Disturbed	%	%	%	%
Orthopedically Impaired	%	%	%	%
Specific Learning Disability	%	%	%	%
Other Health Impaired	%	%	%	%

Estimated percent of the total number of handicapped children expected to have full educational opportunities during the school year 1980-81

Time Line

	Ages 0-2	Ages 3-5	Ages 6-17	Ages 18-21
Mentally Retarded	%	%	%	%
Hard of Hearing	%	%	%	%
Deaf	%	%	%	%
Speech Impaired	%	%	%	%
Visually Impaired	%	%	%	%
Seriously Emotionally Disturbed	%	%	%	%
Orthopedically Impaired	%	%	%	%
Specific Learning Disability	%	%	%	%
Other Health Impaired	%	%	%	%

How was data compiled for student count?
check appropriate box(es)

- ☐ BIA Education - Census Office
- ☐ BIA School Reports
- ☐ BIA Social Services
- ☐ PHS Community Health Workers
- ☐ PHS Clinics/Hospitals
- ☐ PHS Social Services
- ☐ Tribal Social Services
- ☐ Tribal Education Offices
- ☐ Other (specify)

_____

_____

_____

_____

Form 5

Educational Staff Employed and Needed for Full Education Opportunity Goal

STAFF FOR:	School Year 1976-77				School Year 1977-78			
	Employed		Needed		Est. of Emp.		Est. of Needed	
	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost
MENTALLY RETARDED								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
HARD OF HEARING								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
DEAF								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
SPEECH IMPAIRED								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
VISUALLY IMPAIRED								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
SERIOUSLY E.D.								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
ORTHO. IMPAIRED								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
SPECIFIC L.D.								
Sp. Class Tch.								
Res. Rm. Tch.								
Cons./Itinerant								
TOTAL								

STAFF FOR:	School Year 1976-77				School Year 1977-78			
	Employed		Needed		Est. of Emp.		Est. of Needed	
	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost	No. of Pos.	Total Salary Cost
SCHOOL PSYCH.								
SCHOOL SOC. WKR.								
OCCUP. THERAPIST								
PHYS. THERAPIST								
HOME/HOSP. TCHR.								
SPEECH PATH.								
TEACHERS' AIDES								
VOC. ED. TCHRS.								
WORK/STUDY COORD.								
PHYS. ED. TCHRS.								
REC. THERAPISTS								
ED. DIAGNOST.								
SP. ED. SUPV.								
OTHER INST/SUPP.								
STAFF (SPECIFY)								
_____								
_____								
_____								

Comprehensive System of Personnel Development

Personnel	Location	# of Pers.	Areas of Trng.	Sources of Trng.	Est. Cost	Funding Source	Timeline of Trng. Mos. Year	Timeline of Trng. Type	Est. No. of Hours	Eval.
Special Education Teachers										
Regular Education Teachers										
Administration										
Psychologists										
Pathologists Audiologists Therapists										
Medical Personnel										
Parents (Surrogate Parents)										
Hearing Officers										
Aides										
Others (Specify)										
TOTALS	X		X	X		X	X	X		X

Codes for Personnel Development Chart

Location - Enter Code

Code	Location	Code	Location	Code	Location
1		4		7	
2		5		8	
3		6		9	

Number of Personnel

Enter estimated number of staff to receive training

Areas of Training (You may use more than one code per location)

Code	Training Area	Code	Training Area
1	Introduction to Special Education	6	Procedural Safeguards
2	Sp. Ed. Methods/Materials	7	Confidentiality
3	Individualized Education Programs	8	Due Process Hearings
4	Nondiscriminatory Assessment	9	Role of Parents/Surrogate Prnts.
5	Least Restrictive Environment	10	Other (Specify)
		11	Other (Specify)

Sources of Training - Enter Code

Code	Source	Code	Source
1	College - Specify	6	LEA Personnel
2	College - Specify	7	LEA Personnel
3	University - Specify	8	SEA - Consultants
4	University - Specify	9	LEA - Consultants
5	University - Specify	10	Other - Specify

Estimated Cost

Enter amount estimated to provide inservice training.

Funding Source to pay for training - Enter Code

Code	Source	Code	Source
1	SEA Funds	4	Other Federal - Specify
2	Part B, EHA	5	LEA Funds
3	Part D, EHA	6	Other - Specify

Time of Training

Enter month of beginning and ending with the last digit of the year. (Example: if the training was from October through December of 1978, enter 10-12/8).

Type of Training - Enter Code Number

Code	Type	Code	Type
1	Inservice - ongoing	4	Inservice - on campus, sp. course
2	Inservice - one time (without break of days)	5	Institute or Summer classes
		6	Other - Specify
3	Inservice - on campus (course wk)		

Estimate Number of Hours

Enter the total time in hours that the training will be conducted.

Evaluation - Enter Code

Code	Evaluation
1	Third-Party Evaluation
2	Participant Evaluation
3	Other - Specify

Form 7

Kinds and Numbers of Facilities Used for the Handicapped

Facilities	Public or Private	Utilized at Present # of Rms.	Utilized at Present # of Bldg.	Needed for Full-Goal Impl. # of Rooms	Needed for Full-Goal Impl. # of Buildings
Reg. Classroom with Handicapped	Public				
Self-Contained Sp. Classrooms	Public				
Resource Rooms	Public				
Occup. Therapy Fac.	Public				
Phys. Therapy Fac.	Public				
Sheltered Workshop Part of -	Public				
Sheltered Workshop Separate	Public				
Self-Cont. Day Sch.	Public				
Residential School	Public				
Hospital School	Public				
Other - Specify	Public				
Reg. Classroom with Handicapped	Private				
Self-Contained Sp. Classrooms	Private				
Resource Rooms	Private				
Occup. Therapy Fac.	Private				
Sheltered Workshop	Private				
Self-Cont. Day Sch.	Private				
Residential School	Private				
Hospital School	Private				
Other - Specify	Private				
Total Public					
Total Private					
Total					

Form 8

Transportation Units Used for the Handicapped

Vehicle Type	Number Utilized at Present Public	Number Utilized at Present Private	Number Needed for Full Service Goal - Public
Cars			
Station Wagons			
Vans			
Mini Buses			
Buses			
Others			
Total			

Area/Agency Hearing Officers

Name	Address	Phone	Trained Yes	Trained No

Area/Agency Surrogate Parents

Name	Address	Phone	Trained Yes	Trained No

Form 9

Documentation of Planning

Names of Agencies that were involved in planning for and used to compile information for State Plan.

Name of Agency	Activities/Outcomes of Planning Meeting	Date(s)

List of methods of disseminating the development and writing of the State Plan. Attach any articles.

Method	Name of Publication/Media	Topics	Date

Child Find Process

List below all agencies contacted to participate in the Child Find Activities and a brief description of their involvement.

Name of Agency	Activities

Describe below the means (e.g., mass media) to inform the public of Child Find Process. Attach copies if applicable.

Means (Mass Media)	Area	Date(s)

Number of referrals received _____ from (date) _____ to _____ (date).

Computation of Area/Agency Excess Costs for Special Education Services:

Excess costs means the cost above regular education for an elementary or secondary student in an LEA which is for special education or related services.

The cost of regular education is computed as follows:

Add all expenditures of the LEA for the preceding year, except capital outlay or debit service. . . . . $_____
(Elem. & Sec. must be separated)

Subtract:

Title VI Part B funds	$_____
Title I, ESEA	$_____
Title VII, ESEA	$_____
LEA/SEA funds spent on Special Education . . .	$_____
LEA/SEA funds spent on educationally deprived children	$_____
LEA/SEA funds for bilingual children	$_____
Total	$_____

Divide by average number of students enrolled

_____ ÷_____

Equals (average cost per child) $_____

Bureau of Indian Affairs
Indian Education Resources Center
Division of Continuing Education
Albuquerque, New Mexico 87103

APPLICATION/REPORT FORM
TITLE VI; PART-B

BIA 1/77

To Be Completed by The Division of Continuing Education

AREA CODE	WORK ORDER NUMBER	DATE APPROVED (Month / Day / Year)	AMOUNT APPROVED	FEDERAL-FY	APPROPRIATION SYMBOLS
			$	19____	

APPLICANT AGENCY	PROJECT DIRECTOR
NAME OF ADMINISTRATOR	NAME OF DIRECTOR
NAME OF AGENCY	NAME OF SCHOOL
NUMBER AND STREET	NUMBER AND STREET
CITY / STATE / ZIP CODE	CITY / STATE / ZIP CODE
(Signature)	(Signature)
TELEPHONE / AREA CODE / NUMBER / EXTENSION	TELEPHONE / AREA CODE / NUMBER / EXTENSION

☐ Approved: Area Office Flow-Through Funding
☐ Approved: Central Office Project Application

AREA OFFICE APPROVAL

(by)

(Signature)

(Name and Title)

CENTRAL OFFICE APPROVAL:

☐ Approved: Area Office Flow-Through
☐ Approved: Central Office Project Funded
☐ Approved: Central Office Administration Funded
☐ Approved: Other: (Specify) _____

PROJECT DURATION — FROM (Month / Day / Year) — TO (Month / Day / Year)

DATE TRANSMITTED TO CENTRAL OFFICE:

ALLOCATED FROM	Check One	PROJECT INFORMATION	CHECK ONE
Area Office Flow Through		First Year Project	
Central Office Project Funds		Ongoing Project	
Central Office Administration		a. Funded in what years (specify)	
Other - Specify		b. Funds used other than VI-B (specify)	

(BY)

Chief, Division of Continuing Education (Date)

LINE ITEM EXPENDITURES	DIRECT	CONTRACTED	TOTALS
Administration	$	$	$
Professional Salaries			
Para-Professional Salaries			
Consultant Services			
Pupil Transportation			
Equipment			
Supplies			
Health Services			
Related Services: Specify:			
Related Services: Specify:			
Direct Charges (Contract Fees)			
TOTALS	$	$	$

CHILDREN RECEIVING SERVICES	0-5 YEARS	5-18 YEARS	19+ YEARS
Mentally Retarded			
Hard of Hearing			
Deaf			
Speech Impaired			
Visually Impaired			
Seriously Emotional Disturbed			
Orthopedically Impaired			
Other Health Impaired			
Specific Learning Disabled			
Referred but NOT Identified			
TOTALS			
Per Child Cost		$	

PERSONNEL EMPLOYED:	Number of Positions	Total F.T.E.
TEACHERS		
AIDES		
SUPERVISORS		
OTHER (Specify)		
OTHER (Specify)		
TOTALS		

OTHER FUNDING SOURCES	
SOURCE	AMOUNT
	$
TOTAL	$

14. ABSTRACT (*Limit to the number of lines and space provided*)

OBJECTIVES

ACTIVITIES

EVALUATIONS

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NOTE: In addition, to this 4 page form, the application should include the narrative with the following headings:

I. Identification of Needs (See BIA Special Education Guidelines)
II. Objectives (Stated in Performance Terms)
III. Activities
IV. Evaluation
V. Dissemination
VI. Budget

STATEMENT OF ASSURANCES

(To accompany each Title VI-B Application
to the Division of Continuing Education)

1. A Goal has been established of providing full educational opportunities to all handicapped children and funds requested are to be used to accomplish such goals and priority in the utilization of funds will be given to handicapped children who are not receiving an education.

2. Procedures are provided for insuring that handicapped children and their parents or guardians are guaranteed procedural safeguards in decisions regarding identification, evaluation, and educational placement of handicapped children. These include, but are not limited to:

   A. Prior notice to parents or guardians when a change in the child's placement is proposed.

   B. Opportunity for parents or guardians to obtain an impartial due process hearing, [illegible] all relevant records, and obtain an independent evaluation of the child.

   C. Protection of child's rights when parents or guardians are not known, unavailable, or he is a State ward.

   D. Provisions to insure that the due process decisions in Item B above are binding on all parties.

3. Procedures are instituted to insure that, to the maximum extent appropriate, handicapped children are educated with children who are not handicapped (mainstreaming).

4. Procedures are instituted to insure that testing materials and procedures used for classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory.

6. Policies and procedures will be developed to assure that all children in the service area who are handicapped and in need of special educational and related services are identified, located, and evaluated, including a practical method of determining which children are currently served and which are not currently served. Confidentiality of the above child data will be protected in accordance with criteria prescribed by the Commissioner of the U.S. Office of Education.

Signature of Project Director_____

Title_____

Definitions

"Special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes speech pathology, audiology, occupational therapy, and physical therapy, if the service is considered "special education" rather than a "related service" under State standards.

"Handicapped children" means those children evaluated by qualified professionals as being mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or children with specific learning disabilities, who by reason thereof require special education and related services. The terms used in this definition are defined as follows:

a. "Deaf" means a hearing impairment which is so severe that the child's hearing is non-functional for the purposes of educational performance.

b. "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

c. "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

d. "Orthopedically impaired" means a severe orthopedic impairment, evaluated with a corrective device, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), poliomyelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

e. "Seriously emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted but not emotionally disturbed.

f. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, of motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantages.

g. "Speech impaired" means a communication disorder, including impaired language, rhythm, voice, or articulation, which adversely affects a child's educational performance.

h. "Visually handicapped" means a visual impairment which, after correction, adversely affects a child's educational performance. The term includes both partially sighted and blind children.

i. "Other health impaired" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophelia, epilepsy, lead poisoning, leukemia, or diabetes.

Related Services

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of handicapping conditions in children, school social work services, counseling services (including parent counseling and training, providing parents with information about child development, and assisting parents in understanding the special needs of their child), and medical services for diagnostic or evaluation purposes. The terms used in this definition are defined as follows:

A. "Audiology" means:

1. identification of children with hearing loss;

2. determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;

3. provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;

4. creation and administration of programs of hearing conservation; and

5. counseling and guidance of pupils, parents, and teachers.

B. "Counseling services" means activities conducted by a certified counselor.

C. "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

D. "Medical services" means procedures performed by a licensed physician to determine a child's need for special education and related services.

E. "Occupational therapy" means services provided by a licensed occupational therapist.

F. "Physical therapy" means activities for restoring damaged or atrophied muscles to optimum use.

G. "Psychological services" means:

1. administering psychological and educational tests;

2. interpreting the results;

3. gathering and interpreting information about pupil behavior;

4. working with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; and

5. planning and managing a program of psychological services, including psychological counseling for pupils and parents.

H. "Recreation" includes leisure education.

I. "Speech pathology" means:

1. the identification of children with speech or language disorders;

2. diagnosis and appraisal of specific speech or language disorders;

3. referral for medical or other professional attention necessary to the habilitation of speech or language disorders;

4. provision of speech and language habilitation; and

5. counseling and guidance of parents, children, and teachers.

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Vol. 41, No. 252
THURSDAY, DECEMBER 30, 1976
PART IV

federal register

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EDUCATION OF HANDICAPPED CHILDREN AND INCENTIVE GRANTS PROGRAM

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44 Assistance to States